IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 1214 of 2002

Between:

D.Tata Rao S/o.Kotaiah, Girijan Primary Co-operative Marketing Society Addateegala,East Godavari District.

..... PETITIONER

AND

1 The Vice-Chairman & Managing Director
Girijan Co-operative Corporation Limited, China Waltair
Near VUDA Part, Visakhapatnam.
2 The Chairman, Board of Girijan Co-operative Corporation Ltd
China Waltair Near VUDA part, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate writ, order or direction, calling for the records relating to the impugned order in Rc.No.3024/92/Admn.10, dt.7-9-98 of the 1st respondent as confirmed by the 2nd respondent vide proceedings in R.C.No.3024/92/Admn.10, dt.8-11-2001 and quash the same as illegal, null and void and violative of principles of natural justice and for a consequential order to quash the same and pass

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents: MR. SREEDHARA REDDY

The Court made the following :

ORAL ORDER:

The petitioner filed this writ petition questioning the order of the second respondent dated 08-11-2001 confirming the orders of the first respondent dated 7-9-1998 as illegal and to quash the same.

The petitioner is working as Senior Manager in the respondents Girijan Corporation Limited. Certain charges have been made against the petitioner and an Enquiry Officer was appointed and in the enquiry most of the charges were proved against the petitioner. Based on the enquiry report, a show cause notice was issued to the petitioner for imposition of appropriate punishment. After receiving the explanation from him, the first respondent has passed the order dated 07-09-1998 imposing the punishment of withholding two annual grade increments with cumulative effect besides the recovery of an amount of Rs.65,771-42 ps along with interest at 18% thereon.

It is stated on behalf of the respondents-Girijan Corporation that the petitioner has failed to discharge his legitimate duty of inspecting the D.R. Depots which facilitate the salesman to misappropriate by causing deficit in the stocks in the D.R. Depots to a tune of Rs.25,059-12 and also failed to settle the festival advance taken by the petitioner to the tune of Rs.164/-. Thus, the negligence of the petitioner resulted in embezzlement to the tune of Rs.72,223-12. Out of the said amount, an amount of Rs.7,451-70 ps was realised from the salesman leaving the balance of Rs.65,771-42 and therefore the said punishment was imposed besides the recovery

of the said amount along with interest at 18% .

Aggrieved by the said order dated 07-9-1998, the petitioner filed an appeal before the second respondent taking as many as six grounds. But, the second respondent-Appellate Authority, without considering any of the grounds, dismissed the appeal vide order dated 08-11-2001 which is now impugned in this writ petition. The petitioner herein questions the said order dated 8-11-2001 of the second respondent in confirming the order of the first respondent.

In view of the above, without going into merits of the case and as regards the aforesaid contentions raised in the memorandum of grounds of appeal, I am of the view that it is just and proper for the Appellate authority to consider the relevant grounds urged before him and pass an appropriate orders in accordance with law.

Accordingly, the writ petition is disposed of and the order of the Appellate Authority dated 08-11-2001 is set aside and the Appellate Authority is directed to consider the matter afresh and pass a reasoned order in accordance with law. It is made clear that during pendency of the appeal, the order passed by the first respondent on 07-8-1998 holds in force. No order as to costs.

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V. ESWARAIAH, J

Dt. 16-9-2004

Kvrk

To

1 The Vice-Chairman & Managing Director, Girijan Co-operative Corporation Limited, China Waltair Near VUDA Part, Visakhapatnam.

2 The Chairman, Board of Girijan Co-operative Corporation Ltd
China Waltair Near VUDA part, Visakhapatnam.

3. Two CD copies.